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10 **UNITED STATES DISTRICT COURT**

11 **DISTRICT OF NEVADA**

12 FRAZIER S. SPEAKS, JR.,

13 Plaintiff,

14 vs.

15 CITY OF NORTH LAS VEGAS, a municipal
16 corporation,

Defendant.

CASE NO.: 2:23-cv-00887-APG-MDC

**STIPULATION TO EXTEND DEADLINES
IN DISCOVERY PLAN AND
SCHEDULING ORDER**

(First Request)

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18 Counsel for Plaintiff, Melanie A. Hill of Melanie Hill Law PLLC, and counsel for Defendant,
19 Lyssa Anderson and Kristopher Kalkowski of the law firm of Kaempfer Crowell, respectfully submit
20 the following stipulation to extend the discovery deadlines in the Discovery Plan and Scheduling Order.

21 The parties make this joint request to extend the discovery deadlines as follows:

22 **IT IS HEREBY STIPULATED AND AGREED** between the parties that the discovery
23 deadlines be continued for a period of sixty (60) days for the purpose of allowing the Plaintiff to serve
24 written discovery and subpoena documents and to allow Plaintiff to answer Defendant's written
25 discovery served by mail on March 15, 2024, to allow the parties to schedule and conduct depositions
26 of the parties after the discovery responses are received, and to allow the parties to schedule depositions
27 of third-party witnesses after written discovery is completed. The parties make this joint request to
28 extend the discovery deadlines due to Plaintiff's counsel's back-to-back surgeries the end of 2023,

1 Plaintiff's counsel's medical leave to recover lasting through January 10, 2024, Plaintiff's counsel's
 2 February 4, 2024 hospitalization and federal trial in another case against the Defendant City of North
 3 Las Vegas commencing on February 6, 2024 and concluding on February 13, 2024, post-trial motion
 4 practice and appeal, and post-trial illness.

5 **DISCOVERY COMPLETED TO DATE**

6 Defendant, City of North Las Vegas ("CNLV") produced its initial Rule 26(f) Disclosures to
 7 Frazier Speaks, Jr. ("Plaintiff") on January 24, 2024. CNLV served its Interrogatories, Requests for
 8 Production, and Requests for Admission by mail on March 15, 2024.

9 **DISCOVERY YET TO BE COMPLETED**

10 Plaintiff is currently preparing his initial written discovery requests (Interrogatories, Requests
 11 for Admissions, and Requests for Production of Documents) to be served on CNLV. The parties will
 12 conduct several depositions, including but not limited to, the depositions of Plaintiff, the Person Most
 13 Knowledgeable of Defendant CNLV, and other persons with knowledge of the claims and/or defenses
 14 in this matter.

15 **REASONS WHY REMAINING DISCOVERY HAS NOT BEEN COMPLETED**

16 Due to Plaintiff's counsel's back-to-back surgeries, medical leave through January 10, 2024,
 17 Plaintiff's counsel's February 4, 2024 hospitalization and federal trial in another case against the
 18 Defendant City of North Las Vegas commencing on February 6, 2024 and concluding on February 13,
 19 2024, post-trial motion practice and appeal, and post-trial illness, the parties agreed to stipulate to
 20 extend the deadlines in the Discovery Plan and Scheduling Order for sixty (60) days.

21 **PROPOSED EXTENDED DEADLINES**

22 Accordingly, it is hereby stipulated and respectfully requested that this Court enter an order as
 23 follows:

24 **1. Discovery Cut-Off Date:**

25 That the current discovery cut-off date of April 15, 2024, be extended for a period of sixty (60)
 26 days, up to and including **Friday, June 14, 2024.**

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1 **2. Dispositive Motions:**

2 The last day for filing dispositive motions including, but not limited to motions for summary
3 judgment, shall be extended from **Wednesday, May 15, 2024** to **Monday, July 15, 2024**.

4 **3. Motions in Limine/Daubert Motions:**

5 Under LR 16-3(b), any motions in limine, including Daubert type motions, shall be filed and
6 served thirty (30) days prior to the commencement of Trial. Oppositions shall be filed and served and
7 the motion submitted for decision fourteen (14) days thereafter. Reply briefs will be allowed only with
8 leave of the Court.

9 **4. Pretrial Order:**

10 Pursuant to LR 26(1)(e)(5) the Joint Pretrial Order shall be filed with this Court no later than
11 thirty (30) days after the date set for filing dispositive motions, which shall be by **Wednesday, August**
12 **14, 2024**, unless dispositive motions are filed, in which case the date for filing the Joint Pretrial Order
13 shall be suspended until thirty (30) days after the decision on the dispositive motions or further order
14 of this Court. The disclosures required by Fed. R. Civ. P. 26(a)(3) and any objections shall be included
15 in the final pretrial order.

16 **5. Extensions or Modification of the Discovery Plan and Scheduling Order:**

17 In accordance with LR 26-4, applications to extend any date set by the discovery plan,
18 scheduling order, or other order must, in addition to satisfying the requirements of LR 6-1, be supported
19 by a showing of good cause for the extension. All motions or stipulations to extend a deadline set forth
20 in a discovery plan shall be received by the Court not later than twenty-one (21) days before the
21 expiration of the subject deadline. A request made after the expiration of the subject deadline shall not
22 be granted unless the movant demonstrates that the failure to set was the result of excusable neglect.
23 Any motion or stipulation to extend a deadline or to reopen discovery shall include:

- 24 (a) A statement specifying the discovery completed;
- 25 (b) A specific description of the discovery that remains to be completed;
- 26 (c) The reasons why the deadline was not satisfied or the remaining discovery was not
- 27 completed within the time limits set by the discovery plan; and
- 28 (d) A proposed schedule for completing all discovery.

1 The parties recognize that this request is not being made within twenty-one (21) days of the
2 current discovery deadline, April 15, 2024 pursuant to LR 26-4; however the parties submit that good
3 cause exists.

4 Local Rule LR 26-4 states in relevant part:

5 A motion or stipulation to extend a deadline set forth in a discovery plan must be
6 received by the court no later than 21 days before the expiration of the subject deadline.
7 A request made within 21 days of the subject deadline must be supported by a showing
8 of good cause. A request made after the expiration of the subject deadline will not be
9 granted unless the movant also demonstrates that the failure to act was the result of
10 excusable neglect.

11 Local Rule LR 26-4.

12 As indicated above, the parties have been discussing extending the discovery deadlines since
13 Plaintiff further requested the extension on March 18, 2024 and Defendant agreed to the extension on
14 March 19, 2024. Good cause exists for the delay in filing this stipulation 21 days prior to the expiration
15 of the deadline for the same reasons provided that establish good cause to extend the discovery
16 deadlines.

17 For these reasons, the parties respectfully believe that they have shown good cause for this
18 extension and for not requesting the extension sooner.

19 This request for an extension is made in good faith, jointly by the parties hereto, to allow the
20 parties to conduct and complete discovery. This request is not filed 21-days before the expiration of the
21 discovery cutoff deadline, however, it is the result of good cause as articulated herein. Trial is not yet
22 set in this matter and dispositive motions have not yet been filed. Accordingly, this extension will not
23 unnecessarily delay this case and the delay is due to unanticipated medical issues that Plaintiff's counsel

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1 has been dealing with, including two unplanned surgeries and Plaintiff's counsel being placed on
2 medical leave, that impacted the deadlines in this case. Moreover, since this request is a joint request,
3 neither party will be prejudiced. The extension will allow the parties the necessary time to prosecute
4 this case.

5 DATED this 15th day of April, 2024.

6 MELANIE HILL LAW PLLC

KAEMPFER CROWELL

7
8 /s/ Melanie A. Hill

/s/ Lyssa S. Anderson

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17 **IT IS SO ORDERED.**

18 Dated this 17th day of April, 2024.

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22 Hon. Maximiliano D. Couvillier III
23 United States Magistrate Judge
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